PROPERTY RIGHTS OF MUSLIM WOMEN

(An analytical study of
Islamic law of inheritance)

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Translated by

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In the Name of Allah, the Most Merciful, the Most Beneficent

Preface

Women's Right is a sincere topic of debates today. And property right is of utmost importance in this endeavour. Women of different faiths on this globe are struggling since long for their dignity, respect and socio-economic rights, including property rights in inheritance. In modern developed societies of twenty first century women are still deprived of inheritance rights.

Islam has been pioneer in this field by giving women substantial socio-economic and spiritual rights. Islam has opened many ways for women to acquire property, invest their capital in any legal business and expend them in whatsoever ways they like. In Islam, property right in inheritance is a unique right, having characteristics of diverse benefits for women, and the same has been elaborated in this booklet.

It is very sad that there are people in Muslim society who do not practice this Islamic law, resulting in great monetary loss for women. These people should be aware that the Quran has strongly warned against any violation in Islamic inheritance law. Therefore, it is the duty of every Muslim to implement it, in letter and spirit.

This booklet presents an interesting study of proportions of men's and women's shares in inheritance. It is a famous notion among some people that Islam has given woman half the share of

man. But in the present study you will find that the fact is just opposite. In this booklet, a reader will find, that in more than thirty cases, woman has, either share equal to man, or more than man, or man does not have any share at all. There are only four cases where, woman has share half the share of man. And in these four cases too, women's shares are not fixed, but they keep changing according to the changing situations of their maintenance responsibilities upon others.

A reader, after studying this booklet, will come out with the conclusion, that Islam has given a great honor to women, and has given them due consideration in property rights.

It is my duty to mention here that I have got this analytical idea of the subject from a great Egyptian scholar of the time, Dr. Salah Sultan, and benefited from his writings on the subject.

This write up was basically prepared in Urdu language, for the lecture delivered at Jamia Millia Islamia, New Delhi, on 8th March 2004, on the invitation of *Sarojini Naidu Center for Women Studies*, Jamia Millia Islamia, New Delhi. The SNC had published the lecture in Urdu, and soon translated and published it in Hindi also. The English translation remained the need of hour. I am very happy that my daughter Umama Fahim has fulfilled this need. She took this job in her summer vacation of study, and completed the translation with utmost care, by regularly consulting me on terminologies and explanations. I am very thankful to both my brothers in law, Mr. Aejaz Ahmad, Chief Manager, NCL, Singrauli, (M.P) and Mr. Aftab Ahmad, Chief Technological Officer, Mahagun India, New Delhi,

for having deep looks into the translation. My sincere thanks go to my teacher Professor Akhtarul Wasey, an eminent Islamic scholar, for writing Foreword on this booklet. This booklet is actually the result of his motivation and guidance. My wife, Ruhi Tabassum, deserves my sincere gratitude for providing a good atmosphere inside the home, where not only me but both my children also get the motivation to contribute in academic activities. I also thank the authorities of *Markazi Maktaba Islami Publishers, New Delhi* for bringing this booklet in the hands of the readers.

I pray Almighty Allah to accept this endeavour and make it beneficial for the people.

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Foreword

The epoch-making emancipatory role Islam played in freeing human beings from the bondage of fellow human beings, by making them submit to one and only one God who is the source of all Truth and Power, set in motion a process of change that revolutionized the prevalent world-order and put in place an entirely new social, moral and economic system where human beings could grow to any extent within the limits set by the Divine guidance. Among all human beings, women were the greatest beneficiaries of the new Islamic system as they had been the greatest losers throughout the history preceding Islam.

We know that at the time of Islam's advent, women were no more than a mere shadow of men in almost all societies in the world, having no independent identity. Islam recognized women as independent human entities deserving all the rights and opportunities that were hitherto been the sole preserve of the men folk. Women were now equal partners with men in different walks of life. Although Islam does not permit permissiveness and free mixing of sexes in social and cultural interactions as it leads to moral pollution, and also keeps women from certain areas of social action, but it is more for safeguarding their specific nature and ensuring their

security than enchaining them. The great Muslim women scholars, Sufis, entrepreneurs, administrators and rulers that we find in history bear testimony to the empowerment Islam has blessed women with.

Much has been written on the dignity, status, rights and role that Islam accords to women. The present booklet by Mufti Mohd Fahim Akhtar Nadvi forms a new and enlightening addition to the vast body of research on various aspects of how many ways and in how many areas Islam has benefitted and empowered women.

It is based on the lecture the author delivered on the occasion of Women's Day for the Sarojini Naidu Centre for Women Studies, Jamia Millia Islamia, New Delhi. In this thoroughly researched and strongly argued booklet, the learned author, drawing upon original Islamic texts and jurisprudential literature, and through well-suited examples, has analysed the Islamic Law of Inheritance to prove beyond doubt that, taken as a whole, the law provides the women more share than men, and there are only a few specific situations where men get more than women. The booklet also shows that the rise and fall in shares in inheritance is closely linked to the Islamic Law of Maintenance. As such, we see the women having been provided with larger share in inheritance where there is nobody to take care of their day-to-day necessities and requirements but her share falls in the situations where she is securely taken care of.

The Sarojini Naidu Centre for Women Studies has already published it in Urdu. Its Hindi translation also soon followed. Now

its English rendering is in your hands, which is the result of translation skills of the author's daughter, Umama Fahim.

As I have been originally instrumental in motivating Mufti Mohd Fahim Akhtar Nadvi to prepare and deliver this lecture, I am happier to see it published in the reigning language of modern intellectual and academic discourse.

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Women in Islam

Islam honors women and gives them a high level, not only inside the family boundaries, but also in the society. It provides them a lot of rights in almost every sphere of life.

According to the Islamic *Sharia*, a woman enjoys her independent personality and has full control upon herself in all her concerns, be it spirituality, education, decision making, ownership or economic activities.

From this perspective, there is no difference between man and woman, and both are equal and completing part of each other in the society.

The Prophet of Islam Hazrat Mohammad (S.A.W) has elaborated this mutual relation of tow genders in a beautiful example. He said in a Hadith:

□*Women are men's parts.*□(Abu Daud, Hadith No. 236)

There are plenty of verses in The Quran describing the great status of women. For example, one of such verses of Quran has listed ten (10) good characteristics for both men and women in the same style, which shows very categorically the equal status of both in the sight of Allah. (See the verse No. 35 of chapter *Al-Ahzab*).

Economic Rights

Economic right is a very important aspect of life. In Islamic Shariah, women have the Right of Ownership and they enjoy full control over its usage, without any interference from their husbands, fathers or anyone else.

Islam has opened many ways for a woman to acquire property. She can do business either individually or in partnership. She can invest her money and capital in any legal business. She can accept gifts which will be her personal property. At the time of marriage, she receives a handsome amount of *Maher* which is also her personal property, and her husband has no right over it. The gifts received from her relatives and friends at the time of marriage or any other occasion are also her own property.

Right of Inheritance

A very big source of woman's property is her Right of Inheritance. This is indeed very useful to her. It looks like a single right, but its characteristics and features show its diversity. For example:

1. A woman gets this right many times, because she inherits property from many family members.
2. She can inherit property in every status of her life. Whether she is a daughter, a sister, a mother or a wife, she deserves property in every situation. Even a minor girl can inherit property in the same way as she would have inherited after growing up.

3. The share of women increases very much in some situations, and sometimes she is alone entitled to all the family property.
4. Woman can inherit her share from all the things left by the deceased. She has share in all the different types of commodities and rights of the deceased, like bank balance, shares, jewelries, shops, household articles, vehicles, furniture, etc.
5. The way in which woman gets property before marriage, in the same way she gets it after marriage also. The expenditure done on woman's marriage does not affect her property rights.
6. After marriage, woman gets the right of inheritance from both sides, her parental side as well as from her in-laws.

Because of these characteristics, property right becomes an important source of financial income and ownership for women.

The above factors clearly show the high level of status, Islam has given to women.

Before discussing the share of women in property, it is important to know some basic points related to the principles of inheritance.

Basic Principles of Inheritance

Quran **has clearly described the heirs of a deceased person, and the details of their shares in property. There are two basic principles in inheritance:**

i. Only the nearest relatives of the deceased person will get property.

ii. The closer relatives will get the greater shares in property i.e. close relatives are preferred over far-off relatives.

Permanent Rules

The *Quran* and *Hadith* have described almost all the details related to inheritance, and therefore, there is no scope for *Ijtehad* in fixation of shares in property in inheritance. And there is no effect of change of time on the laws and provisions of inheritance.

Changing ratio of shares

The shares of persons, who are the heirs of property, do not remain same in every situation. In fact, the ratio of their shares increases some times, and decreases also depending on different situations. One among the several reasons for this is the relation of inheritance with the responsibility of maintenance. It means that as the responsibility of a person's maintenance on others increases, his share in property decreases and as it decreases, his share in property increases.

Levels of Heirs

According to *Quran* and *Hadith*, there are three levels among the heirs of property. The first level is of the nearest relatives, and is called *Quranic Heirs* (*Ashabul Foruz*, meaning the people with shares). These are the people whose shares of different proportions under different situations have been decided by the Quran. The second level of people is *Agnatic Heirs* (*Asaba*). They can be called supporters and defenders. These people get shares in property after

the *Quranic heirs* have taken their shares. All the property left after the *Quranic heirs* are for the *Agnatic heirs*. The third level of people who deserve property are *Uterine heirs* (*Zavil Arharm*, meaning relatives). These are the people who are neither included in the *Quranic heirs* list nor in the *Agnatic heirs* list. They get shares in property in total absence of *Quranic heirs* and *Agnatic heirs*.

After knowing these basic principles, let us discuss the shares of women in property.

Proportion of woman's shares in property

It is a general conception among the people that the share of woman in property is half the share of man. Now if it is said that the share of woman is equal to the share of man, then there will be a surprise over it. Further, if it is said that the share of woman is more than the share of man, then it would be taken with more surprise. But when it is said that woman only has the share in property, man does not, it would definitely be termed as a hypothesis. Now the question is, "are all these statements correct"? If "yes" then what about the famous notion that the share of a woman in property is half the share of a man?

Before answering this question, we would like to remind here **that the subject of inheritance is among those subjects about which almost all details have been described in the *Quran*. And there is no scope for the *Ulama*'s opinion and *ijtehad* on it. Therefore almost all the following details about women's share in property are the *Quranic* ones, and are above any kind of doubt.**

We would also like to mention here that any discussion about the subject of equality between man and woman in Islam includes the issue of women's right in inheritance. And it is considered among those issues, over which objections of inequality are raised. And the discussion goes on the basis that woman's share in property is half the share of man.

First Picture

If we study all the possible cases in which the alive heirs of a deceased person inherit property, then the following points appear:

i. In more than ten cases, a woman gets more share in property than a man.

ii. In ten cases both get equal shares.

iii. In several cases, woman gets share while man in the same relation does not.

iv. In only four cases, a woman gets share in property half the share of a man.

As a whole, in more than thirty cases, woman has either share equal to man, or more than man, or man does not have any share at all. While in only four cases woman has share half the share of man. **Therefore, woman's share in property is seven and a half time (7½) greater than that of man.**

Second Picture

Quranic heirs, whose shares have been decided by the *Quran*, and who are the original heirs of property, are 12 (twelve) in number.

Out of them, 8 (eight) are women: Mother, Daughter, Granddaughter, Wife, Full Sister, Uterine Sister, Consanguine Sister and paternal or maternal grandmother. And 4 (four) are men: Father, Husband, Paternal grandfather and Uterine brother. Thus, here also women have more shares, and their proportion is twice than that of men.

Third Picture

There is a principle in inheritance that the share of an heir keeps changing under different situations. In this principle what is actually seen is that who among the heirs are presently alive?

The presence or absence of an heir affects the share of other heirs. Moreover, some far-off heirs do not get any share because of a close heir's presence.

There are 6 (six) heirs, who are never deprived of property because of the presence of any other heir. Out of these six, 3 (three) are women: Wife, Mother and Daughter, and 3 (three) are men: Husband, Father and Son. In this scenario, the proportion of men and women is equal.

Fourth Picture

In the *Quran*, six shares have been fixed for property:

1. Two third.
2. Half.
3. One third.
4. One sixth.
5. One fourth.
6. One eighth.

The details of the heirs of every share among these shares can be seen in the following table:

2/3	1/2	1/3	1/6	1/4	1/8
Two daughters or more	One daughter	Mother	Mother	Husband	Wife
Two paternal granddaughters or more	One paternal granddaughter	Uterine Sister	Paternal/Maternal grand mother	Wife	
Two sisters or more	One sister	Uterine brother	Paternal granddaughter		
Two consanguine sisters or more	One consanguine sister		Consanguine sister		
	Husband		Uterine sister		
			Uterine brother		
			Father		
			Grand Father		

(Note: there are some conditions for every heir)

By looking carefully at the table, the following conclusions can be drawn:

1. Two third (2/3) is the biggest share, and its heirs are only women. They are four (4) in number.
2. The heirs of half (1/2) are also four (4) women. Among men, only husband is included but in such situation only where there are no children and it happens rarely.
3. The heirs of one third (1/3) are two (2) women, and one (1) man
4. Among the eight people eligible for one sixth (1/6), five (5) are women and only three (3) are men.
5. There is one (1) man and one (1) woman in one fourth (1/4).
6. One eighth (1/8) share is only for wife.

Therefore, out of twenty three (23) situations, a woman gets property in seventeen (17) situations, while a man gets property in only six (6) situations. This means, in this detail of nearest relatives (*Quranic Heirs*), women get the share in property nearly three times over men.

These are the four pictures. They show that *Islamic shariah* has not only enriched women with inheritance rights, but they are also given preference and superiority over men in many ways.

Comparative study of shares

Now, we will present some charts and examples, and through them we will do comparative study of the shares of men and women practically. The examples will make it clear that in which situation women's share is more than men's share, women's and men's shares are equal, women's share is less than men's share, and in which situations men are deprived of any share while women in the same relation get share.

Women's shares more than men

Here, we present some examples of those situations wherein women get more shares than men:

1. Son and Daughter

If a deceased person has left husband, father, mother and two daughters, or two sons as heirs. And the left property is Rs 60 lakhs. In this case each one's share would be as follows:

(a) 12 *Aul* 15/60=4

Husband	Father	Mother	Two daughters
1/4	1/6 + Asaba	1/6	2/3
3	2	2	8
12 lakhs	8 lakhs	8 lakhs	32 lakhs

(b) 12/60=5

Husband	Father	Mother	Two sons
1/4	1/6	1/6	Asaba
3	2	2	5
15 lakhs	10 lakhs	10 lakhs	25 lakhs

In this example, we see that in the first case (a) every daughter gets Rs 16 lakhs, while in the second case (b) every son gets a lesser amount of Rs 12.5 lakhs.

2. Brother and Sister

If a deceased woman has left Rs 48 lakhs, and husband, mother and two sisters as heirs. The case will be as below:

(a) 6 *Aul* 8/48=6

Husband	Mother	Two sisters
1/2	1/6	2/3
3	1	4
18 lakhs	6 lakhs	24 lakhs

And if there are two brothers in place of two sisters in the same case, then the shares will be like this:

(b) 6/48=8

Husband	Mother	Two brothers
1/2	1/6	Asaba
3	1	2
24 lakhs	8 lakhs	16 lakhs

In this example, we see that in the first case (a) every sister gets Rs 12 lakhs, while in the second case (b) every brother gets only Rs 8 lakhs.

3. Brother and Uterine Sister

The deceased woman has left Rs 1,20 lakhs and the following people as heirs:

6/120=20

Husband	Two uterine sisters	Two brothers
1/2	1/3	Asaba
3	2	1
60 lakhs	40 lakhs	20 lakhs

In this example every sister is getting Rs 20 lakhs, and every brother is getting Rs 10 lakhs.

Another example of this situation is that, the heirs of the deceased person are: wife, mother, two brothers and two uterine sisters, and the left property is Rs 48 lakhs.

12/48=4

Wife	Mother	Two brothers	Two uterine sisters
1/4	1/6	Asaba	1/3
3	2	3	4
12 lakhs	8 lakhs	12 lakhs	16 lakhs

Here every brother's share is Rs 6 lakhs, and every sister's share is Rs 8 lakhs.

A third example of the same situation is that if heirs include husband, mother, uterine sister and two brothers, and the left property is Rs 60 lakhs, then the case will be like this:

6/60=10

Husband	Mother	Uterine sister	Two brothers
1/2	1/6	1/6	Asaba
3	1	1	1
30 lakhs	10 lakhs	10 lakhs	10 lakhs

In this example a sister's share is Rs 10 lakhs and a brother's share is Rs 5 lakhs.

These are only a few. There are many other examples of the situation wherein the share of woman is more than the share of man in the same relation.

Women's shares equal to men

There are many such situations wherein women get share equal to men. Following are some such examples:

1. Mother and Father

(a) Heirs include mother, father, and a son, and left property is Rs 60 lakhs.

6/60=10

Mother	Father	Son
1/6	1/6	Asaba
1	1	4
10 lakhs	10 lakhs	40 lakhs

In this example the shares of mother and father are equal.

(b) Heirs include husband, father, mother and daughter, and the worth of property is Rs 65 lakhs.

12 *Aul* 13/65=5

Husband	Father	Mother	Daughter
1/4	1/6 + Asaba	1/6	1/2
3	2	2	6
15 lakhs	10 lakhs	10 lakhs	30 lakhs

In this example also the shares of mother and father are equal.

2. Uterine Brother and Uterine Sister

(a) Heirs include husband, mother, uterine brother and uterine sister, and the left amount is Rs 60 lakhs.

6/60=10

Husband	Mother	Uterine brother, Uterine sister
1/2	1/6	Equal share in 1/3
3	1	1 1
30 lakhs	10 lakhs	20 lakhs

In this example, the shares of uterine brother and uterine sister are equal.

(b) i. Heirs include husband, mother and uterine brother, and the amount is Rs 60 lakhs.

6/60=10

Husband	Mother	Uterine brother
1/2	1/3	1/6
3	2	1
30 lakhs	20 lakhs	10 lakhs

(b) ii. Heirs include husband, mother and uterine sister, and the amount is Rs 60 lakhs.

6/60=10

Husband	Mother	Uterine sister
1/2	1/3	1/6
3	2	1
30 lakhs	20 lakhs	10 lakhs

In both these examples (bi & bii) the share of uterine brother is equal to that of uterine sister.

3. Brother and Uterine Sister

Heirs include husband, mother, two uterine sisters and one full brother, and the left property is Rs 90 lakhs.

6/90=15

Husband	Mother	Two uterine sisters and one full brother
1/2	1/6	All are equal in one third (1/3)
3	1	2
45 lakhs	15 lakhs	20 lakhs 10 lakhs

(This is according to the opinion of Hazrat Usman, Hazrt Ibn Masood and Hazrat Zaid bin Sabit, Malekite and Shafaite schools of thought also follow this)

4. Singular Male and singular female

If a deceased person has left only a male as heir, then because of being agnatic heir, he will get the whole property.

And if the deceased person has left only a female as heir, then first she will get her fixed share of property, and again, according to the principle of *Radd,* she will be given the whole remaining property. See the following chart:

Male Heir	His share	Female Heir	Her share
Father	Full property as agnatic heir	Mother	1/3 and remaining property as Radd
Son	Full property as agnatic heir	Daughter	1/2 and remaining property as Radd
Brother	Full property as agnatic heir	Sister	1/2 and remaining property as Radd
Maternal uncle	Full property as uterine heir	Maternal aunt	Full property as uterine heir
Paternal uncle	Full property as agnatic heir	Paternal aunt	Full property as uterine heir

5. Brother and Sister

If heirs include husband and brother, and the property is Rs 60 lakhs, then the shares will be like this.

(a) 2/60

Husband	**Brother**
1/2	**Asaba**
1	**1**
30 lakhs	**30 lakhs**

And if there is sister in place of brother in the same case, then the shares will be as bellow:

(b) 2/60

Husband	Sister
1/2	1/2
1	1
30 lakhs	30 lakhs

Women get but men do not

There are some situations where woman gets share, but man in the same relation does not. Following are some examples:

1. Paternal granddaughter and paternal grand son

The left property is Rs 195 lakhs, and the heirs are as follows:

(a) 12 *Aul* 15/195=13

Husband	Father	Mother	Daughter	Paternal granddaughter
1/4	1/6 Asaba	1/6	1/2	1/6
3	2	2	6	2
39 lakhs	26 lakhs	26 lakhs	78 lakhs	26 lakhs

(b) 12 *Aul* 13/195=15

Husband	Father	Mother	Daughter	Paternal grand son
1/4	1/6 Asaba	1/6	1/2	X
3	2	2	6	-
45 lakhs	30 lakhs	30 lakhs	90 lakhs	-

In this example we see that in the first case (a) paternal granddaughter is getting share, but in the second case (b) paternal grandson in not getting any share.

2. Consanguine Brother and Consanguine Sister

The left property is Rs 84 lakhs, and the heirs are as follows:

(a) 6 *Aul* 7/84=12

Husband	Sister	Consanguine sister
1/2	1/2	1/6
3	3	1
36 lakhs	36 lakhs	12 lakhs

(b) 2/84

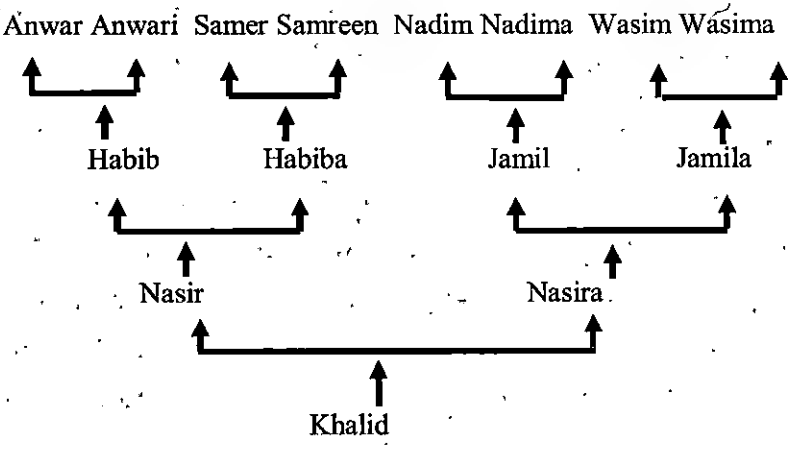
Husband	**Sister**	**Consanguine brother**
1/2	**1/2**	**Asaba**
1	**1**	**X**
42 lakhs	42 lakhs	-

In the first case (a), consanguine sister is getting share, whereas in the second case (b) consanguine brother is not getting any share.

3. Paternal and Maternal Grandmother with the males in same relation

Paternal grandmother and maternal grandmother are getting shares, but not paternal grandfather and maternal grandfather.

There are many situations like this wherein paternal grandfathers and maternal grandfathers are deprived of any share in property, but their wives get the shares. See the family tree of Mr. Khalid in respect of his paternal and maternal grand fathers and their wives, in the following example.



In this example, in Khalid's paternal family there are 3 men after his father, they are: Habib, Anwar and Samer. And like wise in his maternal family there are 3 men, they are: Jamil, Nadim and Wasim. Out of these 6 men, only 2 men are heirs: Habib and Anwar; remaining four are not. On the contrary, all the 3 women in paternal

family: Habiba, Anwari and Samreen are heirs. And 2 out of 3 women in the maternal family; Jamila and Wasima are heirs. Only one woman, Nadima is not an heir.

Therefore, 5 out of 6 paternal and maternal grandmothers are heirs, and among the husbands of these 5 heirs, 3 are not.

That means, in this example, one paternal grandfather: Samer and two maternal grandfathers: Jamil and Wasim are not heirs, but their wives are.

Women's share half of men

After reviewing all the situations we get only four situations wherein a man gets share two times over a woman. These four situations are as follows:

First: Daughter's share with son

According to the *Quran*'s order, if the heirs include a son and a daughter, then the son will get share two times over daughter. This principle continues for the descending heirs in the family. For example, if a paternal grandson and a paternal granddaughter are heirs, then the granddaughter will get share half the share of the grandson.

Second: Mother's share with father

(In such situation where there are no children among the heirs)

If the deceased person is not having any children, then in that situation mother's share will be half of father's share. Mother will

get one-third of the full property and father will get the remaining two thirds.

Third: Full or consanguine sister's share with full or consanguine brother's share

If the heirs include a full sister, and a full brother, then the sister's share would be half of the brother's.

In the same way, if the brother and sister are from different mothers, then the sister's share would be half of the brother's.

Fourth: Share of husband and wife

The share of husband in wife's property is half if she doesn't have any children, and one fourth if she has. And wife's share in husband's property is one-fourth if he doesn't have children and one-eighth if he has children.

Therefore, these are those four situations wherein a woman's share is half the share of a man.

Relation between provisions of maintenance and shares in property:

It would be very interesting to elaborate here that there is a strong connection of the proportions of shares in property with the provisions of maintenance and heir's responsibilities. We can see that those persons who are in growing up age, and have to take responsibilities on their shoulders, the proportion of their shares is increasing. And those who are stepping towards the end of life and their responsibilities are decreasing, their shares have been

decreasing. For example, each father and mother generally has $1/6^{th}$ share, grandmothers and grandfathers also have likewise shares, because the financial responsibilities on them are going to be decreased. Whereas the sons and daughters are going to take the responsibilities, therefore they have been given big shares like half and two-third etc.

As far as the relationship between shares in property and the principle of maintenance is concerned, we see that the shares of persons have decreased if they have relatives upon whom are their maintenance responsibilities. And in those situations where they do not have those relatives, their share in property has increased. This is the reason for those 4 situations wherein woman's share is less than man's. Let's understand this with examples, which will clear out that there is a relationship between the shares in property and the principle of maintenance, and will also show that in those four situations wherein woman's share is less than man's, there are people present upon whom lays their responsibility.

Daughter's share

Daughter's share is half of son's share, but if a deceased person has left a daughter only and there is no other heir e.g. son or brother, then this means that there is no brother or uncle present to take the responsibility of the daughter. In this situation, the daughter gets the full property. But if a son is present with the daughter then he has to take care of her, and therefore, brother's share is more than his sister's.

We can also understand it with another example that if a deceased person has left a daughter and father, then both will get half-half property. But if mother is present, then mother will get one share and the daughter will get three shares. This difference is because of the fact that the grandfather has the responsibility of the daughter, so the daughter's share is half, but the grandmother does not have her responsibility, so the daughter's share has increased.

Mother's share

Mother's share is equal to father's in most situations, but in some situations mother's share is half of father's share. If the heirs include mother, father and a son, then both mother and father would get one-sixth property each. But if there are only mother and father, then mother will get one-third and father will get two-third, because here, mother's maintenance is on father who is her husband.

Another example is, if the heirs include mother and a brother then, mother would get one-third and the remaining two-third would be of the brother. But if mother and two brothers are heirs then mother's share will decrease to $1/6^{th}$ and the remaining will be given to the brothers. In this example when mother's responsibility was on one son, her share was more, and when her responsibility is on two sons, her share is decreased.

Sister's share

If sister is the lone heir, then she will get the whole property. If brother and sister both are present, then sister's share would be half

of brother's, because in this situation the sister's responsibility is on her brother, and if she is married, then her responsibility is on her husband.

This can also be seen that if a woman has left her husband and sister as heirs, then the sister's responsibility is not on the husband who is her brother-in-law, therefore her share increases here, husband gets half and sister gets half property. In this way, according to maintenance, the increasing rate of sister's share can be seen in the following chart.

Sister and father	Nil	No share for sister because father holds her responsibility.
Sister and brother	One third	Sister gets one-third and brother gets two-third.
Sister and husband	Half	Sister gets half and husband gets half.
Only sister	Full	Sister will get whole property.

Wife's share

Wife's share in husband's property is of two types. If the husband has children then $1/8^{th}$ share, and if he does not have children then $1/4^{th}$ share. But husband's share in wife's property is $1/4^{th}$ if there are children and 1/2 if there are no children.

There are two things which can be seen here:

First, if wife remarries then she gets □Maher□ whereas if husband remarries then he has to give an amount as □Maher□

Second, men generally have wealth because of business and jobs etc, and their left property is more after death. While, generally, women do not have so much wealth, and therefore their left property is less. In this way, though, husband gets 1/2 share in wife□s property and wife gets 1/4 share in husband□s property, but if quantity is put in front, then generally, the quantity of wife□s share is more than that of the husband. For example if wife has left Rs 1 lakh, then husband will get its half i.e. Rs 50,000. But if husband has left Rs 10 lakhs, then wife will get 2.5 lakhs as $1/4^{th}$ share.

Conclusion

In the lights of all these details, it becomes very clear that Islam has given extreme honor and respect to women. And women have been given due consideration in the law of inheritance.

Islam has maintained a wonderful balance between the shares in property and the responsibility of maintenance. Therefore, wherever woman enjoys a greater assurance of maintenance, her share compared to man decreases. And in those cases where woman does not enjoy that level of assurance, her share is either equal to man, or more than man or sometimes she gets the total share without the man getting any share.

GLOSSARY

WORD	EXPLANATION
Agnatic Heir	Asaba are called Agnatic Heirs
Asaba	Supporters, the second level of male Heirs who get full property after the Quranic Heir have taken their shares.
Ashabul Foruz	People with shares, Referred for Quranic Heirs.
Aul	Addition, A method to correct the calculation.
Consanguine Sister	Sister from same father but different mothers.
Full sister	Sister from same father and mother.
Hadis/Hadith	Saying, doing and approval of Prophet Mohammad (S.A.W).
Ijtehad	Maximum effort to find out Islamic injunction, deriving it from Islamic sources, by an expert of these sources, with prescribed conditions.
Maher	A handsome amount given compulsorily to bride by her groom.

Quranic Heirs	Those Heirs whose fixed shares have been mentioned in the Quran, and are not deprived in any case.
Radd	Return. When an heir gets his/her fixed share, and there is no other heir available, the remaining property goes back to the same heir.
Shariah	Islamic law either in Quran and/or Hadis, or derived from them, according to Islamic principles.
Uterine Brother	Brother from same mother but different fathers.
Uterine Heirs	Brothers or Sisters from same mother but different fathers.
Uterine Sister	Sister from same mother but different fathers.
Zavil Arham	Far off relatives like maternal grandfather or maternal uncle etc. They deserve shares only if first two categories of Quranic Heirs and Asaba are not available.

ABOUT THE AUTHOR

Dr. Mohd Fahim Akhtar Nadvi was born on 7th September 1971, in Samastipur Bihar. He completed *Hafiz*, *Alim*, *Fazil* and *Mufti* courses at Nadwatul Ulama Lucknow. He did B.A, M.A and Ph.D in Islamic Studies from Jamia Millia Islamia, New Delhi. He also did M.A in Arabic from University of Delhi, and cleared N.E.T both in Islamic Studies and Arabic.

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Dr. Nadvi has actively been engaged in research works, and has published 26 Books and 33 Research Papers, besides more than 5 dozen short articles. He has presented Research Papers in 4 International Seminars held at Kuwait, Turkey and Pakistan and in 22 National and International Seminars held in India, in Urdu and Arabic languages. He also worked for prevention of HIV/AIDS and Polio, and participated in several National and International Conferences organized for the same. He has also been invited for T.V/ Radio talks/debates by famous Electronic Medias.

ABOUT THE BOOK

The book □Property Rights of Muslim Women□ originally written in Urdu, has been translated in English by Umama Fahim. In this thoroughly researched and strongly argued booklet, the author has analyzed the Islamic Law of Inheritance to prove beyond doubt that the law provides women more share than men, and there are only a few specific situations where men get more than women. This booklet also shows that the rise and fall in shares in inheritance is closely linked to the Islamic Law of Maintenance.